



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 16, 2008

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Initiative Petition To Amend The City Charter – Building Height Limitations

RECOMMENDATION:

That Council receive the Certificate of Sufficiency from the City Clerk's Office dated September 10, 2008, indicating that the subject initiative petition does have sufficient valid signatures.

DISCUSSION:

On August 15, 2008, the City Clerk's Office received delivery of an initiative petition by the primary proponent, William Mahan. The initiative petition proposes to amend the City Charter by reducing the current maximum building heights in most areas of the City, including the El Pueblo Viejo Landmark District. The City Clerk's Office reviewed the format of the initiative petition and found it may substantially conform to the Election Code requirements. Subsection (a)(3) of the State Elections Code Section 9255 provides that a city charter amendment initiative measure qualifies for submission of the measure to the local electorate if the initiative has been signed by not less than fifteen percent (15%) of the registered voters of the City.

On August 20, 2008, the subject initiative petition was delivered to the Elections Division of the County Clerk-Recorder-Assessor and the Registrar of Voters to verify the number of registered voters effective at the time the notice of intent to circulate was published on January 22, 2008, to determine the total number of signatures on the initiative petition, and examine the signatures to ascertain whether or not the requisite number of registered voters signed the initiative petition.

The County Clerk-Recorder-Assessor and the Registrar of Voters provided the City Clerk's Office with a verification of petition signatures dated August 27, 2008 (Attachment 1). Subsequently, the City Clerk's Office conducted the random sampling process based on the information received from County Elections and as outlined by the Secretary of State's Office. Based on the results of the random sampling, the subject initiative petition contains a sufficient number of valid signatures that appears to exceed the required fifteen percent (15%) level (Attachment 2).

Pursuant to Elections Code Section 9114, if an initiative petition is found sufficient, the results of the examination must be presented to the City Council at the next regular meeting.

Under Elections Code Section 9255, city charter amendment proposals shall be submitted to the voters at either a special election called for that purpose or at any established municipal election date at the discretion of the City Council, provided that there are at least 88 days before the election. It should be noted that the proponents of the initiative petition requested that the proposed charter amendment be submitted to the City voters at an election date determined by the City Council. Staff is recommending that the proposed charter amendment be presented to the electorate at the City's next general municipal election, i.e., the election scheduled for November 3, 2009.

It is recommended that the City Council receive the Certificate from the City Clerk's Office dated September 10, 2008, indicating that the subject initiative petition does have sufficient valid signatures.

ATTACHMENTS: 1. Verification of Petition Signatures
2. Certificate of Sufficiency

PREPARED BY: Cynthia M. Rodriguez, CMC, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

REGISTRAR OF VOTERS

130 E. Victoria St, 2nd Floor
Santa Barbara, CA 93101

Mailing Address:

PO Box 159
Santa Barbara, CA 93102-0159

Lompoc Branch Office:

401 E. Cypress Ave, Room 102
Lompoc, CA 93436

Santa Maria Branch Office:

511 E. Lakeside Parkway, Suite 134
Santa Maria, CA 93455

COUNTY CLERK, RECORDER AND ASSESSOR
REGISTRAR OF VOTERS

August 27, 2008

Cynthia M. Rodriguez
City Clerk Services Manager
City of Santa Barbara
P. O. Box 1990
Santa Barbara, CA 93102-1990

Dear Cyndi,

The verification of signatures for the City of Santa Barbara petition is below.

VERIFICATION OF PETITION SIGNATURES

The initiative petition, **Initiative Measure to Amend the City Charter's Building Height Limitations**, was filed with the City Clerk of the City of Santa Barbara on August 15, 2008. The County Elections Office received the petition for verification of signatures on August 20, 2008.

The petition consists of 331 sections. Each section contains signatures purporting to be the signatures of qualified electors of the City of Santa Barbara.

The County Elections Office has verified the requested number of signatures by examining the records of registration in this county, current and in effect at the respective dates of such signing, to determine what number of qualified electors signed the petition. From that examination the following facts regarding this petition have been determined:

1. Number of unverified signatures filed by proponent (raw count) (number determined by City of SB upon delivery of petition)	11,573
2. Number of unverified signatures filed by proponent (raw count) (actual count determined by Elections Office)	11,581
3. Number of signatures verified (random sample requested by City of SB)	500
a. Number of signatures found VALID	353
b. Number of signatures found NOT VALID	147

Please let us know if you have any questions.

Sincerely,

Renee Bischof
Elections Division Manager

ASSESSOR: Santa Barbara, (805) 568-2550, Fax (805) 568-3247 • Santa Maria, (805) 346-8310, Fax (805) 346-8324 • Lompoc, (805) 737-7899

ELECTIONS: 1-800-SBC-VOTE • Santa Barbara, (805) 568-2200, Fax (805) 568-2209 • Santa Maria, (805) 346-8374, Fax (805) 346-8342 • Lompoc, (805) 737-7705

CLERK-RECORDER: Santa Barbara, (805) 568-2250, Fax (805) 568-2266 • Santa Maria, (805) 346-8370 • Lompoc, (805) 737-7705



City of Santa Barbara

City Clerk's Office

www.SantaBarbaraCA.gov

735 Anacapa Street
P.O. Box 1990
Santa Barbara, CA
93102-1990
Tel.: 805.564.5309
Fax: 805.897.2623

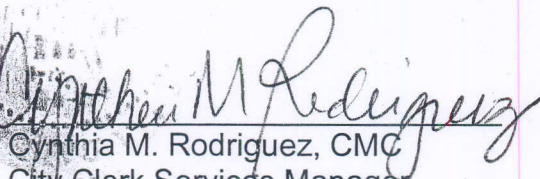
I, Cynthia M. Rodriguez, City Clerk Services Manager of the City of Santa Barbara, do hereby certify the following:

That the City of Santa Barbara initiative petition to amend the City Charter relating to building height limitations, was filed with the City Clerk's Office of the City of Santa Barbara on August 15, 2008. The County Elections Office received the petition for verification of signatures on August 20, 2008.

That said petition consists of 331 sections. Each section contains signatures purporting to be the signatures of qualified electors of the City of Santa Barbara.

Pursuant to the Elections Code, the County Elections Office has verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective dates of such signing, to determine what number of qualified electors signed the petition. Based on the results of examination of a random sample, the petition is sufficient in accordance with Section 9211 of the Elections Code. The facts contained on the attached verification from County Elections confirm this certification.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 10th day of September 2008.



Cynthia M. Rodriguez, CMC
City Clerk Services Manager